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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

PEOPLE OF THE STATE OF CALIFORNIA, *ex*)
rel. EDMUND G. BROWN JR., ATTORNEY)
 GENERAL OF THE STATE OF CALIFORNIA,)
 Plaintiff,)
 v.)
 ENVIRONMENTAL PROTECTION AGENCY,)
 Defendant.)

CV 08-020735 SC

**STIPULATED REQUEST FOR
 ORDER CHANGING TIME TO
 PRODUCE VAUGHN INDEX**

Pursuant to Civil L.R. 6-2, defendant U.S. Environmental Protection Agency (“EPA” or “Agency”), through undersigned counsel, hereby requests an extension of 2 business days, from September 5, 2008, to September 9, 2008, to file Defendant’s Vaughn Index. Defendant’s request is made for good cause as set forth below:

Defendant EPA represents as follows:

1. The Information Law Practice Group (“ILPG”) of the EPA is responsible for managing the Agency’s Freedom of Information Act (“FOIA”) litigation and for providing legal counseling to Agency clients on a wide variety of information law issues. The ILPG is comprised of an Agency

1 Assistant General Counsel, seven staff attorneys, and two para-professionals (a paralegal and a FOIA
2 specialist).

3 2. Since this Court's August 1, 2008 order, the Agency has had a team of attorneys working on
4 the Vaughn index and related production. This team has included ILPG staff attorneys (who were
5 diverted from other assignments), additional attorneys from within the OGC, and paralegal and
6 support staff.

7 3. As set forth in the declaration by Robert A. Friedrich, dated August 19, 2008, the Agency
8 estimated that it had to create full Vaughn index entries for approximately 1,500 of the 2,198
9 documents. Additionally, the Agency reviewed a set of approximately 1,800 documents from a
10 related case for responsiveness to this request. In so doing, the Agency identified additional
11 documents for which Vaughn entries were needed. At this time, the Agency estimates its Vaughn
12 index will be over 2,000 pages.

13 4. The Agency estimated that it would be able to complete its Vaughn index by September 5,
14 2008. However, a brief extension of two business days is necessary to permit the Agency to comply
15 with this Court's order. The requested extension will be used to complete the Vaughn index for all
16 documents withheld in full or in part from the 2,198 documents and the set of additional documents
17 from the related case.

18 5. Defendant is not aware of any harm that will result from the requested extension as the
19 Vaughn index as the delay is as brief as possible and will not affect the currently scheduled Case
20 Management Conference.

21 6. This stipulation is supported by the Declaration of Robert A. Freidrich, dated September 5,
22 2008, filed herewith.

23 IV. CONCLUSION

24 For all the reasons set forth above and in the declaration of Robert A. Freidrich, defendant
25 respectfully requests that its stipulated request for an order changing, to Friday September 9, 2008,
26 the time by which defendant's Vaughn index is due, be granted. No other dates in the current
27 schedule need be changed or modified as a result of this order. Pursuant to the above representations
28

1 by EPA, Plaintiff has stipulated to the request. The parties have previously stipulated to a 15-day
2 extension of time.

3 Dated: September 5, 2008

4 Respectfully submitted,

5 GREGORY G. KATSAS
6 Assistant Attorney General

7
8
9 /s/

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15 Attorneys for Defendant

/s/

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Attorneys for Plaintiff

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 DATED: September _____, 2008

21 _____
Honorable Samuel Conti

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**DECLARATION OF ROBERT A.
FRIEDRICH IN SUPPORT OF
DEFENDANT'S MOTION FOR
ADMINISTRATIVE RELIEF TO
ENLARGE TIME TO PRODUCE
VAUGHN INDEX**

DECLARATION OF ROBERT A. FRIEDRICH

1. I am the Acting Associate General Counsel for the General Law Office, Office of General Counsel, of the U.S. Environmental Protection Agency ("EPA" or "Agency"). The Information Law Practice Group ("ILPG") is one of three practice groups I supervise. The ILPG is responsible for managing Freedom of Information Act ("FOIA") litigation and for providing legal counseling to Agency clients on a wide variety of information law issues.

2. I make the following statements based upon my personal knowledge or information that I obtained in the course of performing my official duties.

1 3. Since this Court's August 1, 2008 order, the Agency has had a team of attorneys and other
2 staff working on the Vaughn index and related production. This team has included ILPG staff
3 attorneys (who were diverted from other assignments), additional attorneys from within OGC, and
4 paralegal and support staff.

5 4. As set forth in my August 19, 2008 declaration, the Agency estimated that it had to create full
6 Vaughn index entries for approximately 1,500 of the 2,198 documents. Additionally, the Agency
7 reviewed a set of approximately 1,800 documents from a related case for responsiveness to this
8 request. In so doing, the Agency identified additional documents for which Vaughn entries were
9 needed. At this time, the Agency estimates its Vaughn index will be over 2,000 pages.

10 5. The Agency estimated that it would be able to complete its Vaughn index by September 5,
11 2008. However, a brief extension of two business days is necessary to permit the Agency to comply
12 with this Court's order. The requested extension will be used to complete the Vaughn index for all
13 documents withheld in full or in part from the 2,198 documents and the set of additional documents
14 from the related case.

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17 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

18
19 9/5/08

20 Date

Robert A. Friedrich

21 Robert A. Friedrich
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